

REGULATIONS FOR SPECIFIC PRODUCTS

SELLING NURSERY PRODUCTS



With a temperate climate ideal for growing nursery and landscape plants, Washington State has \$365 million horticultural nursery industry that continues to grow. The nursery industry includes floriculture and horticulture propagation, starts, and plants for retail sale, both native and non-native. To help reduce spread of agricultural pests and diseases, businesses selling nursery products must be licensed.

This fact sheet includes information on:

- Selling nursery products.
- Products that require a nursery license.
- Businesses required to get a nursery license.
- Which nursery license you need.
- How to get the nursery license.

Selling Nursery Products

To limit the introduction of invasive species and agriculturally significant pests and diseases that can be brought in on nursery stock coming from out-of-state, WSDA requires any person who handles or sells horticulture plants to have a license. This includes grocery stores, farm stands, retail nurseries, landscapers, growers, and garden centers among others.

Nursery products are popular items at farmers markets, grocery stores and garden centers, especially in springtime. Growers selling to nurseries or grocery stores may want to consider making your product stand out with voluntary certifications for food safety or environmental impact concerns. For more information, see the fact sheets on “Organic Certification” and “Eco-labels, Animal Welfare and Fair Trade Certifications.” Many store buyers will have limited shelf space or size constraints for nursery products. If you are selling to a nursery or grocery store, be sure to clarify what your buyer expects before you pot the product for delivery.

If you are planning on shipping product outside of Washington State, first contact the WSDA Plant Services Program to ensure your product meets the regulations for the state of destination by calling 360-902-1874, or emailing nursery@agr.wa.gov.

Inspections help protect the nursery industry, as well as the consumer, by ensuring horticultural plants offered for sale are free from infestation by pests and diseases, are properly labeled, and are not otherwise damaged or dying.

Products that Require a Nursery License

You will need a nursery license to sell horticulture plants, including all rooted plants such as:

- Vegetable starts (e.g., tomato or pepper plants, lettuce, broccoli, or cabbage starts)
- Berry plants and starts (e.g., strawberry, lingonberry, cranberry)
- Herb plant starts (e.g., basil, lavender, rosemary)
- Fruit trees (e.g., apple, plum, cherry)
- Fruit vines (e.g., grapes, kiwis)
- Cane berries (e.g., raspberries, blackberries)
- Fruit bushes or shrub fruits (e.g., blueberries, currants, gooseberries)
- Flower bulbs (e.g., tulips, daffodils)
- Flowering annuals and perennials (e.g., Black-eyed Susan, Bleeding Heart, Hosta)
- All other ornamental plants

Microgreens still growing in trays or pots for customers to cut for immediate consumption, with no potential for plant propagation, do not need a nursery license.

Prohibited Plants

No plant or any part of the plant may be sold or distributed if it is listed in the “Noxious Weed, Seed and Plant Quarantine” rule (WAC 16-752-610). Search the WSDA website, agr.wa.gov, for “Plant Quarantines” to review the guidance and specific plants listed.



Businesses Required to Get a Nursery License

Any person who handles or sells horticultural plants is considered a nursery dealer and is required by law to have a nursery license. This includes wholesalers, retailers, growers, shippers and landscapers who sell or install plants as a part of their business.

Examples of businesses that are required to be licensed include:

- Wholesale and retail nurseries, growers, and garden centers.
- Landscapers who buy plants to install.
- Farmers market vendors who sell plants.
- Landscapers who hold or grow plants for later sale or installation.
- Maintenance companies who install plants for customers.
- Brokers located in Washington who buy and sell, but do not hold plants.
- Grocery and warehouse stores that offer plants for sale.
- Pet and aquarium stores that sell aquatic plants.

Exemptions to the nursery license

A nursery license is not required if a business:

- Sells less than \$100 of plants per year.
- Sells only cut flowers or cut plant material not intended for propagation, for example bouquets and wreaths.

Garden clubs, charitable non-profit associations, educational organizations, and conservation districts not required to have a nursery license to hold a plant sale. However, a Plant Sale Permit is required. Search for "Plant Sale Permit" at agr.wa.gov.

Christmas tree growers are license separately. Look for "Christmas Tree Grower Licensing" on the WSDA website, agr.wa.gov, or call WSDA Plant Services, 360-902-1874.

Which Nursery License Do You Need?

Two nursery licenses are available based on whether you have a retail or wholesale business. If you sell both retail and wholesale, then you are required to obtain only one of these licenses— the one for which you do more than 50 percent of your sales.

- If the majority of your sales are retail, then a Retail Nursery License is required. A separate license is required for each location where you sell. The retailer licenses start at \$63 per location for gross annual sales of \$100 to \$2,500.
- If the majority of your sales are wholesale, then a Wholesale Nursery License is required. Wholesaler licenses start at \$138 per location for \$100 to \$15,000 in gross annual sales.

WSDA offers assistance to new nursery businesses in meeting regulatory requirements. If you are unsure if your business needs a nursery license, would like to confirm updated fee information, or discuss if you are eligible for an exemption, call 360-902-1874, email nursery@agr.wa.gov, or search for "Plant Services Program" on the WSDA website, agr.wa.gov.

Nursery Dealer License for farmers markets

It is possible for a farmers market to hold one nursery dealer license to cover all the vendors selling products at that market location. However, many farmers markets choose to require farms selling nursery products to have their own individual nursery dealer license. The license holder is responsible for ensuring that the plants are healthy, disease-free, and pest-free.

To find out if your farmers market has a license that covers you while selling at the market, check with the market manager or WSDA Plant Services Program. Department of Revenue also has a Business License Look-up tool on bls.dor.wa.gov click on "Search Businesses Licenses," and type in the market name.

How to Get a Nursery License

To obtain a nursery license, you must add a Nursery Endorsement to your Washington Business License. This can be done on the Department of Revenue website, bls.dor.wa.gov. Look for "Specialty Endorsements" or call the DOR Business Licensing Service at 800-451-7985.



- 5. Licensing
- 20. Organic Certification
- 21. Eco-labels, Animal Welfare, and Fair Trade Certifications
- 34. Selling Flowers
- 49. Selling Salad Greens